



Appeal Decision

Site visit made on 9 May 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/V1260/W/22/3310423

Lilliput Streetworks at Junction of Sandbanks Road and Dorset Lake Avenue, Sandbanks, Poole BH14 8HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/00992/PA, dated 17 July 2022, was refused by notice dated 12 September 2022.
 - The development is described as 'proposed upgrade to the existing EE/H3G 12.00m High Type AL9 Streetworks Pole. Proposed 20.00m MBNL Phase 7 Monopole complete with Wraparound Cabinet to be installed on root foundation and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The postcode for the appeal site on the appeal form is different from the application form. As the appellant has used BH14 8HX on their appeal form and within their submitted evidence, and as this has also been used by the Council, I have used this in the banner heading above.

Planning Policy

4. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
5. Nevertheless, Policies PP27, PP30, PP34 and PP35 of the Poole Local Plan (2018) (LP) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure development is of a good standard of design, preserves or enhances heritage assets, the management of road space to improve safety, and to create safe and accessible places. Similarly, the National Planning Policy Framework (the Framework) is also a

material consideration and this includes a section on supporting high quality communications.

6. I appreciate Policy PP30 is not referred to specifically within the Council's reason for refusal. However, it is included within the Council's application report and is relevant in so much as it concerns heritage assets and the Council has concern regarding the setting of a non-designated heritage asset to which the appellant has referred.
7. The Council's Notice of Decision states that the proposal is contrary to Policy PP33 of the LP. However, as this relates to Biodiversity and Geodiversity and no concerns have been raised in these regards, it is not relevant to the appeal.

Main Issues

8. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area including the significance of a non-designated heritage asset and on highway safety, and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

9. The appeal site forms part of the pavement to the front of a terrace of commercial units on Sandbanks Road. The area is broadly characterised by two, three and four-storey commercial and residential properties at the junction with a number of roads.
10. The area includes No's 278-288 Sandbanks Road (Salterns Court) which is a four storey locally listed building located broadly to the north of the site separated by Dorset Lake Avenue. For the purposes of this appeal, I have treated it as a non-designated heritage asset. Its significance is largely derived from its architectural interest which remains mainly intact at the upper floors demonstrating the local history and evolution of the area. Due to the wide-open vistas along Sandbanks Road the building is visible allowing an appreciation of its significance in the streetscene to which the appeal site contributes.
11. The appeal site is close to an existing street works mast and its associated cabinets, on a generally wide, long, straight pavement and associated road. The existing mast is slightly taller than the closest buildings forming 290-296 Sandbanks Road. The existing mast is incorporated within a streetlight of a similar height and appearance to numerous other streetlights visible along the road and from the junction, including one in very close proximity positioned to the other side of the cabinets associated with the existing antenna. The site is to the front of No.292 Sandbanks Road which is a restaurant and bar with a front projection. This front projection narrows the width of space available for pedestrians in comparison with space to the front of the adjoining units.
12. The proposal is for a 20m high monopole and associated cabinets incorporating antennas at the top. It is proposed next to an existing streetlight and proposes that the existing antenna within the other streetlight would be removed.

13. Whilst there are vertical elements in the street-scene, in the streetlights and the streetlight incorporating the existing antenna, the monopole would be significantly greater in height, noticeably bulkier and more prominent than those. It would contain additional bulk due to its antennas. Even if I were to accept that its verticality means that it would be consistent with, and appropriate to the existing character of the street-scene, I could not ignore the combined effects of its additional height, bulk, the associated cabinets and its position in very close proximity to two streetlights and the existing cabinets. Taken as a whole, the development would be visually intrusive, dominant and give this part of the street an unacceptably cluttered appearance. For similar reasons, and due to its prominence, the proposal would cause harm to, and detract from, the setting of the locally listed building.
14. I acknowledge that such installations are becoming commonplace in urban areas, that the site is located within a mixed commercial and residential area and viewed partly against the backdrop of existing buildings. However, the combination of the height, bulk and positioning of the proposal would result in it being a dominant addition to the street scene, on approach to, and at this road junction that would also become visually cluttered.
15. For the reasons set out above, I conclude that the appeal proposal has not been sympathetically designed. As a result, the siting and appearance of the proposal would be harmful to the character and appearance of the area and the significance of a non-designated heritage asset.

Highway safety

16. As noted above, the space between the site and No.292 Sandbanks Road is narrowed by the front projection to the premises. The space on the pavement is at times further narrowed by the restaurant/bar placing tables and chairs for customers on the pavement immediately to the front of the premises.
17. By reason of the combination of the already narrowed frontage, presence of tables and chairs, and the space lost to the proposed monopole and cabinets, particularly at times when access to the cabinets would be required, it would further narrow the available pavement space. Even if I were to deem the TfL Streetscape Guidance Forth Edition 2019 Revision (SG) document applicable in this location, given the space required for tables and chairs and associated circulation space, the available footway clear zone would fall below the 2m minimum space detailed in the SG. Whilst I acknowledge that the SG allows a minimum of 1m or 1.5m, these are in circumstances where 2m is not possible due to obstacles or physical constraints. As the proposal would introduce the obstacle or physical constraint, I do not find such a reduction justified in this instance.
18. As a result of the narrowing of the footway, pedestrian movements would be unacceptably impacted, particularly for those with mobility issues. As a result, this would increase the risk of pedestrians, including those with mobility issues or with prams/pushchairs, having to use the road rather than the footway with the associated risks.
19. I conclude on this matter that the effect of the siting would be harmful to highway safety with regard to pedestrian movement.

Suitable alternatives

20. Paragraph 117 of the National Planning Policy Framework (the Framework) states that applications for electronic communications development, including for prior approval under the GPDO, should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.
21. The proposal is for an upgrade to the existing site, addressing the inadequacy of the current monopole for 5G coverage and providing benefits from site sharing and to the Emergency Services Network. I note that the appellant considers that the existing antenna location was deemed to be the most appropriate at the time of the consideration of that proposal and as such the same conclusion can be reached. I also note in relation to the current proposal that the applicant is following a sequential approach to site selection through the upgrading of an existing site free from any statutory designations, albeit in a slightly different location.
22. However, the proposal is for an antenna comprising a considerable increase in height and bulk with limited information provided with the appeal in terms of signal maps/coverage maps/areas of search to adequately demonstrate that alternative sites were considered and discounted and that a minimum height of 20m is required. Furthermore, the evidence does not adequately justify that the appeal site is the only possible location for the proposal. I am not, therefore, convinced that less harmful alternatives, including other pavement locations or rooftop solutions have been properly explored.
23. As such, insufficient evidence has been submitted to conclude an absence of suitable alternative sites.

Other Matters

24. Reference has been made to various social, economic and sustainability benefits. While these are relevant with regard to the consideration of the significance of the non-designated heritage asset, they have not been taken into account in considering the matters of siting and appearance.
25. The appellant states that the siting and appearance of the associated cabinets are permitted development. However, the appeal before me relates to the scheme in its entirety, and I have assessed the proposal on this basis. In any event, I am not persuaded that there would be a greater than theoretical possibility of the cabinets being installed at the site without the associated monopole, such that I attach limited weight to this argument.
26. The appellant has suggested that the monopole could be coloured. However, the GPDO does not provide any authority for imposing additional conditions beyond those within Class A of Part 16. It would not therefore be reasonable to impose such a condition which, in any event, would do little to address the harm identified as a result of the siting and appearance of the proposal or to highway safety.

Balance and Conclusion

27. I note the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered

essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. However, I must balance this against the requirement for equipment to be sympathetically designed, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.

28. While options for siting the development are limited by technical and operational constraints, the evidence does not demonstrate that there are no alternative sites available which would be less obtrusive and harmful. I do not therefore find the harm identified above from the siting and appearance of the proposal to the character and appearance of the area and highway safety to be outweighed by the need for the installation to be sited in this location. I am also firmly of the view that the benefits I have outlined above would not outweigh the harm to the significance of the non-designated heritage asset.
29. In addition, I do not find the harm to be outweighed by the support in the Framework for high quality communications, when weighed against the development plan harm and the wider requirements of the Framework.
30. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR